

IN THE COURT OF APPEALS OF THE STATE OF ALASKA
RUSSELL SHETTERS,
Appellant,
v.
STATE OF ALASKA,
Appellee.

APPELLATE COURTS of the
STATE of ALASKA
OCT 9 1998
No. A-6476
By _____ CLERK
Deputy

Trial Court No.: 3AN-S96-5069 CR

MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE
PETITION FOR REHEARING

VRA CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

COMES NOW, Appellant, RUSSELL SHETTERS, by and through counsel, JAMES LaVECCHIA, and respectfully prays that this Honorable Court grant an extension of twenty-one (21) days to October 31, 1998 within which to file Appellant's Petition for Rehearing.

This motion is supported by affidavit of Counsel.

DATED this 9th day of October, 1998.

James LaVecchia
James LaVecchia (9709052)
Attorney for Appellant
1016 Second Street, Suite 1
Kenai, Alaska 99611-7208
(907) 283-6041

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AFFIDAVIT OF COUNSEL

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STATE OF ALASKA

THIRD JUDICIAL DISTRICT

ss.

COMES NOW, James LaVecchia, being first duly sworn and deposed and says:

1. I am attorney of record in the above captioned cause;
2. I was substituted for Attorney Larry Cohen upon his withdrawal from this cause;
3. On September 30, 1998, the Court of Appeals of the State of Alaska issued a Memorandum Opinion and Judgment in this cause;
4. The appellate rules allow appellant's ten (10) within which to file a Petition for Rehearing;
5. That Petition for Rehearing would be due on October 10,

1998:

6. October 10, 1998 is a Saturday and this motion for extension is post-marked October 9, 1998 in order to comply with the allotted deadline;

7. Counsel has not had time to adequately research and review the possible grounds for a Petition for Rehearing;

8. Counsel has not had time to confer with Appellant to either identify possible grounds or to advise Appellant that none exist and what other remedies might be available to him;

9. Counsel has not had time to do so because Counsel has four appeals at one stage or another, from filing notice of appeal to drafting briefs, pending and four post-conviction relief applications at various stages;

10. Given those demands, obligations, and deadlines, ten days is insufficient time to communicate with Appellant, an inmate in Spring Creek Correctional, and provide effective assistance;

11. Counsel requests a twenty-one (21) day extension within which to communicate with, advise Appellant, and file any potential petition for rehearing.

Further your affiant sayeth naught.

James LaVecchia
James LaVecchia, (9709052)
1016 Second Street, Suite 1
Kenai, Ak 99611-7208

SUBSCRIBED AND SWORN to before me this 9th day of October, 1998 at Kenai, Alaska.

Ronald K. Norton
Notary Public for the State of Alaska
My commission expires: 9-18-00